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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,817	09/17/2003	Walter D. Buist	9628-010	8936
21890	7590	05/19/2006	EXAMINER	
PROSKAUER ROSE LLP PATENT DEPARTMENT 1585 BROADWAY NEW YORK, NY 10036-8299				BACKER, FIRMIN
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/666,817	BUIST, WALTER D.	
	<b>Examiner</b>	<b>Art Unit</b>	
	FIRMN BACKER	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 March 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Hausman (U.S. PG Pub No. 2004/0030632).
3. As per claims 1, 7, 22 and 23, Hausman teaches a method for securely communicating (*transmitting*) financial information (*financial interest*), comprising receiving over an electronic computer network (*network, 100*) a message communicated according to a field delimited communication protocol (*FIX*) pursuant to which the message comprises a financial data field (*financial interest*) and a field value (*price parameter*) corresponding to the financial data field and the message has a standard, publicly-known meaning within the field delimited communication protocol (*see figs 1, 4 and 5, paragraphs 0005-0012, 0032, 0040, 0058*). Hausman further teaches transmitting the encoded message over an electronic computer network (*see figs 1, 4*).

4. As per claims 2, 8, Hausman teaches a method wherein the field delimited communication protocol is the Financial Information Exchange (FIX) Protocol, or a protocol derived therefrom (*see paragraphs 0041*).

5. As per claims 3, 9, Hausman teaches a method wherein the message communicates a number of shares ordered or offered (*see fig 4, 5*).

6. As per claims 4, 10, Hausman teaches a method wherein the specified financial data field is a FIX tag 38 entry (*see figs 4, 5*).

7. As per claims 5, 11, Hausman teaches a method wherein the coded meaning communicates a number of shares of a financial transaction to which the message pertains that is different than the standard, publicly-known meaning within the field delimited communication protocol (*see figs 4, 5, paragraphs 0054*).

8. As per claims 6, 12, Hausman teaches a method wherein the wooded message corresponds to an Indication of Interest (IOI) for a number of shares (*see figs 4, 5, paragraphs 0060, 0067*).

9. As per claims 13 and 24, Hausman teaches a method for securely communicating financial information, comprising receiving over a first electronic computer network a first message, the first message in a field delimited communication protocol pursuant to which the

first message comprises a first financial data field and a first field value corresponding to the first financial data field, in which the message has a standard publicly-known meaning within the field delimited communication protocol, transmitting over a second electronic computer network, a second message, the second message in the field delimited communication protocol comprising a second financial data field and a second field value corresponding to the second financial data field, in which the second message has a standard publicly-known meaning within the field delimited communication protocol; and at least one of the first and second messages being encoded, wherein each encoded message is intended to have a meaning different from a the standard, public within the field delimited communication protocol wherein, the first and second electronic network, and the first and second messages are not necessarily distinct (*see figs 1, 4 and 5, paragraphs 0005-0012, 0032, 0040, 0058*).

10. As per claims 14, Hausman teaches a method wherein the field delimited communication protocol is the Financial Information Exchange (FIX) Protocol, or a protocol derived therefrom (*see paragraphs 0041*).

11. As per claims 15, Hausman teaches a method wherein the message communicates a number of shares ordered or offered (*see figs 4, 5, paragraphs 0060, 0067*).

12. As per claims 16, Hausman teaches a method wherein the coded meaning communicates a number of shares of a financial transaction to which the message pertains (*see figs 4, 5, paragraphs 0060, 0067*).

13. As per claims 17, Hausman teaches a method wherein the wooded message corresponds to an Indication of Interest (IOI) for a number of shares (*see figs 1, 4*).

14. As per claims 18, Hausman teaches a method further comprising determining whether corresponding entries first field value and the second field value and match, and if the match is successful, transmitting a notification to one or more broker/dealers (*see figs 4, 5, paragraphs 0054*).

15. As per claims 19, Hausman teaches a method wherein the transmitted notification is not encoded (*see figs 1, 4 and 5, paragraphs 0005-0012, 0032, 0040, 0058*).

16. As per claims 20, Hausman teaches a method wherein the first message is encoded, and wherein the transmitted notification is made to a plurality of receivers, further comprising, receiving from a receiver a reply to the second message; and determining whether the first field value and the second field value match (*see figs 1, 4 and 5, paragraphs 0005-0012, 0032, 0040, 0058*).

17. As per claims 21, Hausman teaches a method wherein if the match is successful, transmitting a notification to one or more broker dealers (*see figs 4, 5, paragraphs 0054*).

***Response to Arguments***

18. Applicant's arguments filed March 14<sup>th</sup>, 2006 have been fully considered but they are not persuasive.

a. Applicant argues that the prior (Hausman et al) fail to teach a system on interpreting the message according to a coded meaning defined to be different than the standard, publicly-known meaning within the filed delimited communication protocol. Examiner respectfully disagrees with Applicant characterization of the prior art. Hausman et al teach among other things a system wherein the user can designate the nature of the operand to be used in determining the term for his trading proposal by entering data in either one of fields 352, 353. By entering a message in field 352, the trader can designate that he/she wishes the term for his proposal to be set at a constant stated offset from the reference yen price, so that as the reference rises and/or falls, the term for the trader's proposal rises and/or falls at a constant offset. By entering a ratio in field 353, the trader can designate that the term for the proposal will float with the reference by the stated ratio. *For example, where a trader to enter "30" in field 352, the term for his proposal would float at a constant "30" dollar level above the reference yen price. Were the trader to enter "1.50" in field 353, the term would float at a constant 150% of the reference yen price. (see paragraph 075).*

***Conclusion***

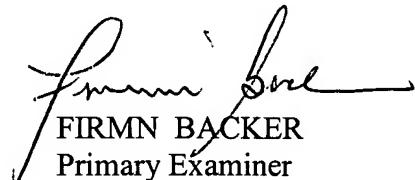
**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FIRMN BACKER whose telephone number is 571-272-6703. The examiner can normally be reached on Monday - Thursday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



FIRMN BACKER  
Primary Examiner  
Art Unit 3621

May 9, 2006